

# INTERNATIONAL SEARCH REPORT

International Application No  
PCT/EP2004/009368

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 7 G01N33/68 C12Q1/48

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
IPC 7 G01N C12Q

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, BIOSIS, EMBASE

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2003/143656 A1 (ALESSI D.) 31 July 2003 (2003-07-31) cited in the application paragraph '0147! claims 1,5,46-48 ----- EL-HASCHIMI KARIM ET AL: "Insulin resistance and lipodystrophy in mice lacking ribosomal S6 kinase 2." DIABETES, vol. 52, no. 6, June 2003 (2003-06), pages 1340-1346, XP002301362 ISSN: 0012-1797 abstract page 1344, column 1, paragraph 2 ----- -/-	1-9, 11-21
X		1-9, 11-21

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

\* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*8\* document member of the same patent family

Date of the actual completion of the international search

22 October 2004

Date of mailing of the international search report

08/11/2004

Name and mailing address of the ISA

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## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 03/012032 A (COWSERT LEX M ; MONIA BRETT P (US); ISIS PHARMACEUTICALS INC (US)) 13 February 2003 (2003-02-13) cited in the application claims 1-20 -----	1-9, 11-21

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national application No.  
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### Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:  
Although claims 11-18 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2.  Claims Nos.: 10 because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
3.  Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

### Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3.  As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4.  No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

#### Remark on Protest

The additional search fees were accompanied by the applicant's protest.  
 No protest accompanied the payment of additional search fees.

**FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210**

**Continuation of Box II.1**

Although claims 11-18 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.

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**Continuation of Box II.2**

Claims Nos.: 10

Claim 10 is not clear (Art.6 PCT), as the claimed agent is not defined with actual, concrete technical features (e.g. chemical structure) which would clearly and unambiguously characterize it, but with the method of identifying it (method of claims 6-9). Such definition might well encompass known agents, irrespective of the way of identifying them, and does not allow to discriminate between novel and known agents. For these reasons, no search has been carried out on claim 10.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No  
PCT/EP2004/009368

Patent document cited in search report	Publication date	Patent family member(s)		Publication date
US 2003143656	A1 31-07-2003	AU 2187301	A 25-06-2001	
		EP 1234188	A2 28-08-2002	
		JP 2003516760	T 20-05-2003	
		WO 0144497	A2 21-06-2001	
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WO 03012032	A 13-02-2003	US 2003083284	A1 01-05-2003	
		WO 03012032	A2 13-02-2003	
		US 2004147477	A1 29-07-2004	
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